



Order Filed on July 1, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

STERN & EISENBERG, PC
1040 N. Kings Highway, Suite 407
Cherry Hill, New Jersey 08034
Telephone: (609) 397-9200
Facsimile: (856) 667-1456
Attorneys for: Caliber Home Loans, Inc.

In Re:
Raymond D. Neate
Sheila D. Neate
aka Sheila D. Coles
Debtor

Case Number: 17-19216-JNP

Judge: Jerrold N. Poslusny, Jr.

Hearing Date(s): June 22, 2021 at 11:00 a.m.

Chapter: 13

Recommended Local Form

☐ Followed

☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY/CREDITOR'S CERTIFICATION OF
DEFAULT AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: July 1, 2021

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant:	Caliber Home Loans, Inc.
Applicant's Counsel:	Steven Kelly
Debtor's Counsel:	Steven A Silnutzer
Property Involved ("Collateral"):	213 Washington Avenue, Egg Harbor City, NJ 08215

Relief sought: ☒ Motion for relief from the automatic stay/Creditor's Certification of Default
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 6 months, from **01/01/2021** to **06/01/2021**.
- ☒ The Debtor is overdue for 6 payments at **\$1,483.44** per month.
- ☐ The Debtor is assessed for ____ late charges at \$_____ per month.
- ☒ Applicant acknowledges receipt of funds in the amount of **\$5,083.44** received after the motion was filed and a Suspense Balance, at the time of filing, in the amount of **\$396.42**.

Total Arrearages Due: **\$3,420.78**

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of **\$3,420.78** received. Payment shall be made no later than **July 31, 2021**.
- ☒ Beginning on **07/01/2021**, regular monthly mortgage payments shall continue to be made in the

amount of **\$1,483.44**, or as adjusted by any timely filed Notice of Mortgage Payment Change in accordance with Fed. R. Bankr. P. 3002.1(b).

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Caliber Home Loans, Inc.
P.O. Box 24330
Oklahoma City, OK 73124

☒ Regular monthly payment:

Caliber Home Loans, Inc.
P.O. Box 24330
Oklahoma City, OK 73124

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

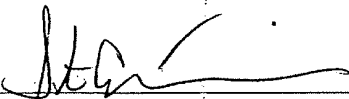
☐ The Applicant is awarded attorneys' fees of \$ _____, and costs of \$ _____.

The fees and costs are payable:

☐ through the Chapter 13 plan.

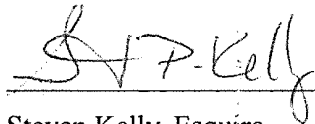
☐ to the Secured Creditor within _____ days.

☒ Attorneys' fees are not awarded as Secured Creditor filed a Notice of Post-Petition Mortgage Fees, Expenses and Charges on May 10, 2021 in the amount of \$200.00.



Steven A Silnutzer, Esquire

Counsel for Debtor



Steven Kelly, Esquire

STERN & EISENBERG, PC

Attorney for Movant

In re:
Raymond D. Neate
Sheila D. Neate
Debtors

Case No. 17-19216-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Jul 01, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 03, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Raymond D. Neate, Sheila D. Neate, 213 Washington Ave., Egg Harbor City, NJ 08215-1327

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 03, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 1, 2021 at the address(es) listed below:

Name	Email Address
Alexandra T. Garcia	on behalf of Creditor Ditech Financial LLC NJECFMAIL@mwc-law.com nj-ecfmail@ecf.courtdrive.com
Denise E. Carlon	on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com
Jane L. McDonald	on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com
Kevin M. Buttery	on behalf of Creditor CALIBER HOME LOANS INC. kbuttery@moodklaw.com

District/off: 0312-1

User: admin

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Date Rcvd: Jul 01, 2021

Form ID: pdf903

Total Noticed: 1

Rebecca Ann Solarz

on behalf of Creditor Toyota Motor Credit Corporation rsolarz@kmlawgroup.com

Sindi Mncina

on behalf of Creditor Ditech Financial LLC FKA Green Tree Servicing LLC smncina@raslg.com

Sindi Mncina

on behalf of Creditor CALIBER HOME LOANS INC. smncina@raslg.com

Sindi Mncina

on behalf of Loss Mitigation Caliber Home Loans Inc. smncina@raslg.com

Sindi Mncina

on behalf of Creditor Ditech Financial LLC smncina@raslg.com

Steven A. Silnutzer

on behalf of Debtor Raymond D. Neate stevenasil2000@yahoo.com G28047@notify.cincompass.com;silnutzerlaw@gmail.com

Steven A. Silnutzer

on behalf of Joint Debtor Sheila D. Neate stevenasil2000@yahoo.com G28047@notify.cincompass.com;silnutzerlaw@gmail.com

Steven P. Kelly

on behalf of Creditor CALIBER HOME LOANS INC. skelly@sterneisenberg.com, bkecf@sterneisenberg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15